

United States District Court  
EASTERN DISTRICT OF NORTH CAROLINA

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the court therefore ALLOWS Defendant's Motion for Summary Judgment in whole. Accordingly the parties' Joint Motion to Continue is DENIED as moot. Any other pending motions are also denied as moot. The Clerk of Court is DIRECTED to enter judgment and to close this case accordingly.

THE ABOVE JUDGMENT WAS ENTERED TODAY, **February 8, 2008**, AND A COPY  
MAILED VIA ELECTRONICALLY OR BY REGULAR MAIL TO:

Philip Wayne Barton  
P.O. Box 53581  
Fayetteville, NC 28305-3581

R. A. Renfer, Jr.  
310 New Bern Ave., Suite 800  
Raleigh, NC 27601-1461

February 8, 2008  
Date

DENNIS P. IAVARONE  
Clerk of Court

*Wilmington, North Carolina*

/s/ Susan K. Enyart  
*(By) Deputy Clerk*